

Remarks/Arguments

Claim 10 has been amended. Six pages of formal drawings are enclosed. Claims 20-40 have been canceled. Claim 41 has been added. Claims 1-19 and 41 are in the application upon entry of this amendment. Entry of this amendment, and re-examination and reconsideration of the present application are respectfully requested in light of the above amendments and the following remarks.

Applicants acknowledge with thanks the Examiner's decision to allow claims 1-19.

Applicants also greatly acknowledge the Examiner's comment that newly proposed claim 41 would have been allowed if the amendment submitted on August 11, 2003 had been entered. Claim 41 is claim 30 rewritten in independent form. Applicants believe that claim 41 is in condition for allowance.

The drawings have been objected to under 37 C.F.R. 1.83(a) on the grounds that the radio frequency identification device and the tie layers defined in claims 10 and 18 are not shown in the drawings. In response, Applicants respectfully submit that Fig. 10 which was submitted with the amendment filed February 3, 2003 discloses the tie layer specified in claim 19. Also, claim 10 has been amended to specify that the radio frequency identification device is attached to the flexible polymeric substrate or to the heat-activatable layer. Support for this amendment can be found in the applicants' specification at page 11, lines 20-22. Withdrawal of this objection is believed to be warranted and is respectfully requested.

Claim 28 has been rejected under 35 U.S.C. 112, second paragraph, on the grounds that claim 28 fails to further limit claim 20. This rejection is now moot in view of the cancellation of claim 28.

Claims 20, 21, 23, 28 and 29 have been rejected under 35 U.S.C. § 102(b) as anticipated by the teachings in Beinert et al. (U.S. Patent No. 5,595,810). Claims 22 and 24-27 have been rejected under 35 U.S.C. § 103(a) as unpatentable over the teachings in Beinert et al. These rejections are now moot in view of the cancellation of these claims.

Conclusion

A Notice of Allowance is believed to be warranted and is respectfully requested. If any additional fees are required for the filing of this paper, the Commissioner is authorized to charge those fees to Deposit Account #18-0988, Docket No. AVERP2822US.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

By


Neil A. DuChez
Reg. No. 26,725

1621 Euclid Avenue
Nineteenth Floor
Cleveland, Ohio 44115
(216) 621-1113